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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,916	09/18/2001	Matthew J. Chalek	7097.02.01	9399

26092 7590 07/02/2003  
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EXAMINER

BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 07/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/955,916

Applicant(s)

Matthew Chalek

Examiner

Michael Brown

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 3, 6-12, 14, 16-18 and 20-22 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 3, 6-12, 14, 16-18 and 20-22 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6-12, 14, 16-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosewald in view of Hubbard.

Rosewald discloses in figures 3-4 a therapeutic wrap comprising an elongated flexible strip 12 of elastic material (col. 5, line 23), having first and second end (the ends at 18' and 20'), a sheet 44 of elastic material (col. 5, lines (54-55), forming a pocket 42 having an opening (col. 5, lines 51-52), a plurality of attachment elements (26, 28 and 38) and the strip is made of neoprene. The pocket is positioned proximate the mid portion (fig. 3). The pocket is sized and positioned to provide ready access (via open, col. 5, lines 51-52). The wrap is configured as an adjustable sleeve (note fig. 5). However, Rosewald does not disclose the fibers of the strip being polypropylene fibers so the fasteners could be fasten at any location on the strip or the strip being severable. Hubbard teaches in figures 1-2 a therapeutic wrap comprising an elongated flexible strip 10 comprising a brush-pile polyester material (polypropylene fibers, col. 3, lines 45-53 and

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col. 4, lines 4-9). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the material of the elongated strip as disclosed by Rosewald could be fabricated of polypropylene fibers as taught by Hubbard because polypropylene is a material that is durable, but yet allows air or moisture to pass therethrough. The polypropylene material would allow the hook fasteners to be attached at any location on the elongated strip. Thus, allowing for extensive limb swelling to occur, wherein the wrap can be loosen on fasten tighter on the user's appendage. The polypropylene would allow the elongated strip to be severed because the fasteners could be fasten at any location on the material. Thus, the polypropylene would eliminate having hook and loop fasteners on both ends of the elongated strip because the hook fasteners could be fasten to the polypropylene fibers at any location on the elongated strip.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. No additional prior art was cited during the first office action.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (703) 308-2682.

M. Brown  
June 26, 2003



Michael A. Brown  
Primary Examiner